

YOR920010159US2  
Amendment dated 11/19/2008

09/800,664  
Reply to office action mailed 08/19/2008

00280670PA

### **REMARKS**

Claims 1 and 3-30 are currently pending in the application. By this amendment, claims 14, 15 and 27 are amended for the Examiner's consideration. The foregoing separate sheets marked as "Listing of Claims" show all the claims in the application, with an indication of the current status of each.

It is acknowledged with appreciation that the Examiner has not maintained his prior grounds of rejection under §101 or §112, second paragraph.

However claims 14 and 27 are newly rejected under §112, second paragraph, on the grounds that the claim language raises a question whether a plurality of bid lines can be associated with a bid. The subject claims are exemplified in Fig. 13, where two bid lines are displayed and, correspondingly, a count of the number of bid lines ("Count: 2") is displayed at item 550. Similarly, in Fig. 14, three bid lines are displayed and a count of the number of bid lines ("Count: 3") is also displayed at item 550. For added clarity, claim 14 has been amended to read "a count of the number of bid lines associated with the at least one bid, there being one bid line for each bid ...", with corresponding clarifications in claims 15 and 27.

The Examiner has rejected claims 1 and 3-30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,765,138 to Aycock et al. ("Aycock") in view of U.S. Patent No. 5,831,631 to Light et al. ("Light"), U.S. Patent No. 6,993,504 to Friesen, and an article *How to Lie with Charts* by Jones published in the February 2000 issue of *iUniverse*.

The invention provides a single display of bids responsive to a multi-attribute RFQ in such a fashion that the position of each bid on each attribute is clearly presented for comparison. As shown in the figures, this is accomplished by using vertical lines for each attribute and identifying each bid by a "bid line" that connects its position on each vertical line. The claim language includes a detailed description

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of the geometry of this display. In the figures, the attribute lines are vertical, but the claim language would also cover horizontal attribute lines.

With respect to claim 19, the Examiner cites Aycock. It is not clear why the Examiner believes Aycock is related to the claimed invention. Aycock involves a method for providing interactive evaluation of potential vendors. More specifically, Aycock is focused on an evaluating the quality control capabilities of suppliers (col. 5, lines 1-3) with a view toward qualifying vendors for, e.g. software development projects. The quality control capabilities are at the center of two tiered process, a first tier establishing a master set of supplier quality process maturity requirements (col. 5, lines 19-21), and a second tier using this master set to evaluate vendor responses to an RFP/RFQ. The background section cited by the Examiner for the “plurality of attributes” aspect of the invention is directed to the industry problem of quality assurance, and there is no attention given to a “plurality of attributes.” While it may be inferred that decisions about vendor “maturity” are not one-dimensional, this does not provide a predicate for the invention’s connection between a “plurality of attributes” and the graphical “bid-line” presentation through which the invention has utility.

The passage cited by the Examiner in support of each bid “having values for each of said plurality of attributes” (col. 3, lines 23-35) refers to “a selected group of requirements defining quality control standards” supplied in the RFP/RFQ. However, **the “scaled score” on each of the requirements is provided NOT by the vendor in response to the RFP/RFQ (as in the present invention) but rather by the evaluation team.** Thus, it is submitted that the cited Aycock disclosure does NOT suggest the multi-attribute bid structure of the invention, and cannot be the basis for a rejection.

The Examiner acknowledges that Aycock does not teach the claimed graphical display. However, as indicated above, the cited passages from Aycock does not even teach bids where the bidder (not the evaluation team) provides the values for

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each of the “plurality of attributes”. Thus the Examiner’s argument is without a proper predicate. Nonetheless, it is true that Aycock also lacks any description or suggestion of the claimed graphical display. For this aspect of the invention the Examiner cites Jones, and in particular pages 85-87 of Jones, which is a “radar chart” used to compare various food items, each food item being rated by the categories of appearance, aroma, taste, texture and digestibility. It will be observed that the food item ratings shown in Jones appear to be constructed by the same person, a food taster for the emperor. By contrast, in the present invention each bidder provides its own bid responsive to the attributes requested in the RFQ.

As with the Aycock reference, the “values” for the “plurality of attributes” are not provided by individual bidders, but rather by an evaluator. It is submitted that the submission of the respective “values” for the “plurality of attributes” by the respective bidders in their bids is a critical predicate for a valid reference. That predicate is missing both from Aycock and Jones.

Further, there is no facility in the use of Jones’ radar chart to compare competing bids, nor is there a suggestion of such an application. Further, the attribute lines are not parallel. Indeed, the point of a “radar chart” is that it highlights and gives psychological preference to food items whose ratings yield a symmetrical appearance. Thus ordinary soup appears most attractive from the point of view of symmetry, even though it cannot compete with cookies on several categories, because the “cookies” pentagonal evaluation structure has an odd shaped asymmetrical appearance. This fits with Jones’ theme of showing how to “lie with charts.”

For the parallel line feature of the claimed display the Examiner cites Light, which shows a simple bar chart displaying metrics for five items. It is not clear from the cited chart what the utility of the chart is. The Examiner has not indicated why this bar chart in Light would be connected by one skilled in the art to the Jones “radar chart” in order to generate the claimed display. Jones itself teaches against such a distortion of its “radar chart” because of the very purpose of the chart, which is to

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highlight preference for foods showing a symmetry in the display. Absent evidence for such a connection it is likely that impermissible hindsight is being used to make the necessary connection.

But even that connection – if there were evidentiary support in the references – would be inadequate, as shown above, because the passages cited by the Examiner disclose “values” for the “plurality of attributes” that are not sourced to the bidder. If the “values” are not provided by the bidder, then they are not part of the bid and cannot be represented, as claimed, as coming from the bidder.

Nor does the Friesen reference remedy this deficiency. Friesen’s disclosure teaches against the limitation of “bid lines” because Friesen’s display forecloses the possibility of a display of such “bid lines.” This is because Friesen teaches a graphical display as a means to show and compare multiple “semi-fungible” goods and their order values. Applicant’s argument becomes clear looking at Friesen’s display. In Friesen, each “axis” is a separate market for a particular set of related goods. The differences within the set are displayed on the same axis, reflecting a single bottom line value parameter. There is no possibility of a “bid line” across different attributes.

In short, a *prima facie* ground for rejection under §103 for obviousness has not been established with the references cited by the Examiner. The Examiner’s assertion that the teachings of these references correspond to the claimed elements of the invention is respectfully traversed. It follows, *a fortiori*, that one of ordinary skill in the art would be unable to combine these teachings to reproduce the invention.

The present invention provides a unique display concept for bids responsive to an RFQ. The display interface is responsive to a particular set of problems in the prior art: use of a single number to represent multiple attribute values hides important information useful to buyers (page 6, lines 23-25); assigning “weights” to different attributes is extremely difficult (page 7, lines 3-5); and the prior art provides no means to express relationships among different attributes (page 7, lines 10-11). The

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present invention provides a two-dimensional matrix type display to address these prior art deficiencies, as shown in Figs. 5-14.

The present invention teaches the following, each and all of which are not taught by the cited references: 1) RFQ submission including values submitted by the bidder (claim 1, 19); 2) a sell bid line (claim 1); 3) user interaction in the interface such as partial bid line selection (claim 4); 4) multimedia rendering of additional information (claim 7); 5) additional information displays (claims 3, 5, 9); 6) tagging and filtering (claims 11, 12); 7) untagging (claim 13); 8) counting of bid lines (claims 14, 15); 9) enlarging and reduction (claims 16, 17); and 10) scrolling (claim 18).

In view of the foregoing, it is requested that the application be reconsidered, that claims 1 and 3-30 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

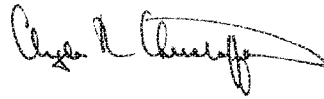
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If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account 50-0510 (IBM-Yorktown).

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde R. Christofferson", with a long, sweeping horizontal stroke extending to the right.

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